

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.736 OF 2006

IN

CRIMINAL APPEAL NO.534 OF 2006

Baba alias Kamalakar Kisan] Applicants.

Bodake and others](Org.Accused

Nos.1 to 3)

versus

The State of Maharashtra] Respondent

Mr.A.P.Mundergi i/by Smt.Revati Mohite-Dere for
the applicants.

Mr.D.S.Mhaispurkar, APP, for the State.

CORAM : D.G.DESHPANDE

SMT.NISHITA MHATRE, JJ.

DATED : APRIL 17, 2007.

P.C.

1. Heard learned advocate Mr.Mundergi for
the applicants and learned APP Mr.Mhaispurkar for
the State. This is an application for bail. The

appeal is already admitted. It is against conviction of the accused under MCOC Act. Learned advocate Mr.Mundergi, after drawing our attention to the facts of the case, contended that even though the accused were indulging in criminal activities, none of the activities alleged against them were for any pecuniary advantage or benefit as contemplated under Section 2(e) of the MCOC Act. He, therefore, drew our attention to the judgment of the Division Bench of this Court in the case of **Sherbahadur Akram Khan & ors. v/s. State of Maharashtra** reported in **2007 ALL MR (Cri) 1**, wherein the Division Bench has taken similar view on the basis of the judgment of Supreme Court.

2. The learned APP could not successfully meet this argument of learned advocate Mr.Mundergi. Therefore, this application is required to be allowed. Hence We pass the following order :-

:ORDER:

Application is allowed.

Applicants - original accused Nos.1 to 3 be released on execution of their P.R. bonds of Rs.20,000/- each with one or two solvent sureties each in the like amount.

The applicants/accused will attend the Deccan Police Station, Pune in the first week of every month for a period of one year and, thereafter once in a three months till the appeal is decided.

The substantive sentence of the applicants/accused is suspended, pending appeal.

They shall pay fine to the extent of Rs.35,000/- each within 15 days after they are released on bail. Till then they will attend the concerned police station daily. If they fail to attend the police station on any single date during the aforesaid period of 15 days, their bail shall stand cancelled.

Application is disposed of accordingly.

[D.G.DESHPANDE, J]

[SMT.NISHITA MHATRE, J]